

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HUBERT RUFF,

Defendant.

8:96CR118

ORDER

Defendant Hubert Ruff (Ruff) appeared before the court on July 13, 2007, on a Petition for Warrant or Summons for Offender Under Supervision (Report) (Filing No. 56). He was represented by Assistant Federal Public Defender David M. O'Neill and the United States was represented by Assistant U.S. Attorney Michael P. Norris. Through his counsel, Ruff waived a probable cause hearing on the Report pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Report alleges probable cause and Ruff should be held to answer for a final dispositional hearing before Chief Judge Bataillon.

The government moved for detention. Through counsel, Ruff declined to present any evidence or request a detention hearing. Since it is Ruff's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Ruff has failed to carry his burden and that Ruff should be detained pending a dispositional hearing before Chief Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Chief Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 8:30 a.m. on August 16, 2007**. Defendant must be present in person.

2 Defendant Hubert Ruff is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 13th day of July, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge